

Application No. 09/880,953
Amendment Dated January 5, 2004
In Reply to USPTO Office Action Dated October 3, 2003
Confirmation No. 6002
Attorney Docket No. 4194-030267

AMENDMENTS TO THE CLAIM

The listing of the claim will replace all prior versions, and the listing of the claim in the application:

Listing of the Claim

Claim 1 (currently amended): A new and distinct rootstock variety of *Prunus* plant named 'VSL-2', as ~~described~~ herein described and illustrated.

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RESPONSE UNDER 37 C.F.R. § 1.105

The undersigned is advised that the public did not have access to the claimed variety until after January 11, 2001, the filing date of the instant application. Therefore, a rejection under 35 U.S.C. § 102(b) is wholly inappropriate.